

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LINDA M. WHITE,

Plaintiff,

CIVIL ACTION NO. 06-CV-13999-DT

VS.

DISTRICT JUDGE ANNA DIGGS TAYLOR

DETROIT, CITY OF,
et al.,

Defendants.

MAGISTRATE JUDGE MONA K. MAJZOUB

**OPINION AND ORDER GRANTING PLAINTIFF'S MOTION TO ENFORCE
COURT ORDER, FOR SANCTIONS AND TO COMPEL**

Before the Court is Plaintiff's Motion to Enforce Court Order, For Sanctions and to Compel all other Outstanding Discovery filed on August 28, 2007. (Docket no. 14). Defendants failed to file a Response to this motion. The Court heard argument from counsel on October 3, 2007. Attorney Bruce Campbell appeared for Defendants in the place of Valerie A. Colbert-Osamuede who is Counsel of Record for Defendants in this action. Attorney Joel Sklar appeared for Plaintiff. This matter has been referred to the undersigned for decision. (Docket no. 15). The matter is now ready for ruling.

This is a civil rights action filed by a former police officer of the City of Detroit against the City of Detroit and the Detroit Police Department. Plaintiff earlier filed a Motion to Compel Defendants to answer her First Request for Production of Documents which was served on April 19, 2007. (Docket no. 8). This Court entered a Stipulated Order which required Defendants to provide full and complete responses to Plaintiff's First Request for Production of Documents and Things within 14 days of the date of entry of the Order. (Docket no. 12). The Order was entered on July 30, 2007 which made the answers due on August 13, 2007. Plaintiff's Counsel did not receive any

documents pursuant to this Order until approximately 45 minutes prior to oral argument on October 3, 2007. Moreover, during oral argument Defendants' Counsel could not state that the response was complete. After perusing the response, Plaintiff's Counsel reported that there were many objections and promises to supplement in the response. Defendants therefore have failed to comply with this Court's July 30, 2007 Order by not making a timely response and by not making a full and complete response.

Plaintiff has also served two other discovery requests to which Defendants have failed to respond as required by Fed. R. Civ. P. 33 and 34. On July 5, 2007 Plaintiff served her First Interrogatories and Second Request for Production of Documents, and on July 10, 2007 Plaintiff served her Second Set of Interrogatories and Third Request for Production of Documents. Defendants have therefore violated Rules 33 and 34 by failing to respond to these two discovery requests within the allowed 30-day period.

During oral argument Defendants' Counsel stated that Ms. Colbert-Osamuede has had an extremely burdensome schedule mid-August due to a lengthy trial in which she was one of the principal attorneys, and other matters. The Court during the hearing gave Defendants' Counsel notice that Defendants would by this Order be given 7 days to fully and completely respond to all of Plaintiff's outstanding discovery requests. The Court declines at this time to award sanctions, but Defendants are warned that further violations of court orders may result in sanctions and/or the granting of default judgment.

IT IS THEREFORE ORDERED that Plaintiff's Motion to Enforce Court Order, For Sanctions and to Compel all other Outstanding Discovery (docket no. 14) is **GRANTED** to the extent that on or before October 10, 2007 Defendants will serve on Plaintiff's Counsel full and

complete answers and responses to each and every discovery request now pending including Plaintiff's First Request for Production of Documents served on 4/19/07, Plaintiff's First Interrogatories and Second Request for Production of Documents served on 7/5/07, and Plaintiff's Second Set of Interrogatories and Third Request for Production of Documents served on 7/10/07. No objections or incomplete responses are allowed.

NOTICE TO THE PARTIES

Pursuant to Fed. R. Civ. P. 72(a), the parties have a period of ten days from the date of this Order within which to file any written appeal to the District Judge as may be permissible under 28 U.S.C. 636(b)(1).

Dated: October 04, 2007

s/ Mona K. Majzoub
MONA K. MAJZOUB
UNITED STATES MAGISTRATE JUDGE

PROOF OF SERVICE

I hereby certify that a copy of this Opinion and Order was served upon Counsel of Record on this date.

Dated: October 04, 2007

s/ Lisa C. Bartlett
Courtroom Deputy